

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

COLLIN LYONS,

Plaintiff,

v.

SEASONS-4, INC.,

Defendant.

Civil Action No.

JURY TRIAL DEMANDED

COMPLAINT FOR DAMAGES

COMES NOW, Plaintiff Collin Lyons (“Plaintiff”), by and through undersigned counsel, and files this, his Complaint for Damages against Defendant SEASONS-4, INC., (“Defendant”), and shows the Court as follows:

NATURE OF COMPLAINT

1.

Plaintiff brings this action to recover damages for Defendant’s violation of his rights under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e (“Title VII”).

JURISDICTION AND VENUE

2.

Plaintiff invokes the jurisdiction of this court pursuant to 28 U.S.C. §§ 1331 and 1343.

3.

Defendant is subject to specific jurisdiction in this Court over the claims asserted in this action. In addition, a substantial part of the events or omissions giving rise to Plaintiff's claims occurred in this District. In accordance with 28 U.S.C. §§ 1391(b)(1) and (2), venue is appropriate in this Court.

PARTIES

4.

Plaintiff is a citizen of the United States of America and is subject to the jurisdiction of this Court.

5.

Defendant is qualified and licensed to conduct business in this district, and at all times material hereto has conducted business within this district.

6.

Defendant is now and, at all times relevant hereto, has been engaged in an industry affecting commerce. During all times relevant hereto, Defendant has

employed fifteen (15) or more employees for the requisite duration under Title VII. Defendant is therefore covered under Title VII in accordance with 42 U.S.C. § 2000e(b).

7.

Defendant may be served with process by delivering a copy of the summons and complaint to its corporate Registered Agent, Lewis B. Waterford, located at 4500 Industrial Access Road, Douglasville, Georgia 30134.

ADMINISTRATIVE PROCEDURES

8.

Plaintiff filed a timely charge of discrimination against Defendant with the Equal Employment Opportunity Commission (“EEOC”) on February 17, 2021.

9.

The EEOC issued the “Notice of Right to Sue” on April 26, 2021.

10.

This action is being commenced within ninety (90) days of receipt of the Notice.

FACTUAL ALLEGATIONS

11.

Plaintiff began working for Defendant on or about December 2, 2020, as a general laborer.

12.

Plaintiff is male and identifies as gay.

13.

Ray Rollins, a floor supervisor, knew that Plaintiff identifies as gay.

14.

Just hours after Plaintiff began work on his first day, Mr. Rollins came up to Plaintiff and repeatedly called him a “faggot”.

15.

Mr. Rollins told Plaintiff, “You cannot fucking work here, you faggot,” and proceeded to terminate Plaintiff’s employment.

16.

Mr. Rollins then followed Plaintiff as he exited the building and continued to call him a “faggot.”

17.

The Plant Supervisor, Ed Laphae, came outside to speak with Plaintiff after

Mr. Rollins had terminated his employment.

18.

When Plaintiff told Mr. Laphae that Mr. Rollins had discriminated against him based on his sexual orientation, Mr. Laphae responded that Plaintiff “came with baggage” and had to have “tough skin.”

19.

Mr. Laphae maintained the decision to terminate Plaintiff’s employment.

20.

Defendant terminated Plaintiff because of his gender/sexual orientation.

21.

Any other reason provided by Defendant for its termination of Plaintiff is pretext for discrimination. As a result of the discrimination, Plaintiff has suffered damages, including lost wages and emotional distress.

CLAIMS FOR RELIEF

COUNT I: GENDER DISCRIMINATION IN VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, AS AMENDED

22.

Plaintiff re-alleges paragraphs 11-21 as if set forth fully herein.

23.

Defendant's actions in subjecting Plaintiff to different terms and conditions of employment constitutes unlawful discrimination on the basis of his sex and sexual orientation in violation of Title VII.

24.

Defendant has willfully and wantonly disregarded Plaintiff's rights, and Defendant's discrimination against Plaintiff was undertaken in bad faith. Plaintiff is entitled to punitive damages.

25.

The effect of the conduct complained of herein has been to deprive Plaintiff of equal employment opportunities and has otherwise adversely affected his status as an employee because of his sex.

26.

As a direct and proximate result of Defendant's violation of Title VII, Plaintiff has been made the victim of acts that have adversely affected his psychological and physical well-being.

27.

Accordingly, Defendant is liable for the damages Plaintiff has sustained as a result of Defendant's unlawful discrimination.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

- (a) General damages for mental and emotional suffering caused by Defendant's misconduct;
- (b) Punitive damages based on Defendant's willful, malicious, intentional, and deliberate acts, including ratification, condonation and approval of said acts;
- (c) Special damages for lost wages and benefits and prejudgment interest thereon;
- (d) Reasonable attorney's fees and expenses of litigation;
- (e) Trial by jury as to all issues;
- (f) Prejudgment interest at the rate allowed by law;
- (g) Declaratory relief to the effect that Defendant has violated Plaintiff's statutory rights;
- (h) Injunctive relief of reinstatement, or front pay in lieu thereof, and prohibiting Defendant from further unlawful conduct of the type described herein; and

- (i) All other relief to which he may be entitled.

Respectfully submitted the 20th day of May, 2021.

BARRETT & FARAHAANY

s/ V. Severin Roberts

V. Severin Roberts

Georgia Bar No. 940504

1100 Peachtree Street N.E.
Suite 500
Atlanta, GA 30309
(404) 214-0120
(404) 214-0125 facsimile
Severin@JusticeAtWork.com